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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,656	10/18/2001	Richard L. Guldi	TI-25047	8103
23494	7590	06/30/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			NOLAND, THOMAS	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,656

Applicant(s)

GULDI ET AL.

Examiner

Thomas P. Noland

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 4, 10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The final rejection mailed April 6, 2004 has been withdrawn in view of applicant's supplemental appeal brief filed September 27, 2004 and the newly discovered prior art to Reinert Sr. US 5,421,048.
2. The indicated allowability of claims 5-6 and 8-9 is withdrawn in view of the newly discovered reference(s) to Reinert, Sr. Rejections based on the newly cited reference(s) follow.
3. The delay in this rejection is regretted.
4. Claims 11-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 26, 2003.
5. Claims 1-3, 5-9 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew US 5,963,336 in view of Reinert, Sr. US 5,421,048.

McAndrew et al discloses sampling of the exhaust from an IC manufacturing system and that such systems can include an automatically controlled monitoring system. Note abstract and col. 11, line 66-col. 12, line 30. It does not specifically disclose actuation of sampling in response to a signal. However such is known in exhaust samplers as evidenced by Reinert, Sr. which shows a timer controlled sampling of exhaust. Note abstract; col. 5 lines 1-16; col. 15, line 59-col. 17, line 2 and claims 1 and 2. Although neither reference appears to insert a collecting device into the exhaust

samplers that do this are known and could obviously have been used if desired to get direct contact in the stream. Note in Reinert, Sr. the sampler appears to be diverted to a sample collection area with a filter. Since the sampler could be considered a part of the system as a whole its control signal could be considered a control signal of the process chamber. The passage of time detected by the timer could be considered a detection of a variation of the signal.

Re Claims 14-17 it is noted these claims do not require the data collected by the particle monitor to activate a particle sampler. McAndrew appears to differ from this claim only in that it does not per se gather samples with a particle sampler. However, Reinert, Sr. shows that such sampling is a known form of particle monitoring. Even if the placement of the monitoring window in McAndrew so that exhausts flows therethrough is not the same as having the monitoring/sampler in the exhaust samplers directly inserted in exhaust such are Known expedients as noted before.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show timer controlled samplers.

7. Call et al, US 6,887,710 not prior art in view of the disclosures and/or filing dates of its parents discloses a sampler triggered by contaminants. It does not claim a fabrication method or wafer processing system as herein.

8. Claims 4, 10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Applicant's arguments with respect to claims 1-3, 5-9 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

Thomas P. Noland
Primary Examiner
Art Unit 2856

Thomas Noland
6/27/05

Noland/ds

06/20/05